IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 27021 of 2007

DATED: 18.12.2007

Between:

Tribal Fishermen Cooperative Society,
Khammam petitioner

And

The A.P. Cooperative Tribunal
Warangal & ors Respondents

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ORAL ORDER:

This writ petition is filed questioning the action of the first respondent in passing order dated 13.12.2007 in I.A. No. 176 of 2007 in CTA (SR) NO. 1228 of 2007 as illegal and arbitrary.

The petitioner herein is first respondent in I.A. No. 176 of 2007 in CTA (SR) No. 1228 of 2007. The third respondent society herein has filed a petition under section 148 of Civil Procedure Code, to condone the delay of 179 days in preferring the appeal against the proceedings of the Assistant Director of Fisheries dated 12.12.2006. The Assistant Director of Fisheries issued proceedings dated 12.12.2006 registering the amendment of bye-law no.1 of the society deleting Captain Banjara village from the area of operation of the Jasthipalli fishermen cooperative society. Having aggrieved by the said orders, the third respondent society herein has preferred an appeal before the A.P. Cooperative Tribunal, Warangal together with an application to condone the delay of 179 days. The Cooperative Tribunal on consideration of the matter, allowed the said application by its order-dated 13.12.2007. Questioning the said order, the present writ petition is filed.

Learned counsel for petitioner mainly contended that the third respondent society having received a notice dated 23.8.2006, kept quiet and has not submitted its explanation, as such the final orders dated 12.12.2006 were passed and thereafter the third respondent approached the Cooperative Tribunal, Warangal with abnormal delay of 179 days and the Cooperative Tribunal without considering the fact that the delay in filing the appeal is not satisfactorily explained, erred in

allowing the application and condoning the delay.

Heard the learned counsel for petitioner and learned Government Pleader for Fisheries and perused the material available on record, including the order of the Cooperative Tribunal dated 13.12.2007.

The Cooperative Tribunal on consideration of the matter, having regard to the fact that the order dated 12.12.2006 deleting captain Banjara village from the area of operation of petitioner society, was not communicated to the third respondent society, has allowed the application. It is to be noted that the Court has to protect the interest of both the parties and since the copy of the order dated 12.12.2006 was not communicated to the petitioner/third respondent herein, under acknowledgement, as per the procedure contemplated under the provisions of the A.P. Cooperative Societies Act, the Tribunal without going into the mere technicalities, has rightly allowed the application, so as to decide the matter on its own merits and to give a quietus to the proceedings. Thus, there are no merits in the writ petition, warranting interference of this Court. At this stage, counsel for petitioner prayed that the first respondent/Cooperative Tribunal may be directed to dispose of the appeal expeditiously.

Accordingly, the writ petition is dismissed. However, the first respondent is directed dispose of the appeal in CTA (SR) No. 1228 of 2007, expeditiously. No costs.

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N.V.RAMANA,J

DATED: 18.12.2007
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